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7 Attorneys for Defendant
TURTLE MOUNTAIN, LLC
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10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE DIVISION
13

14 KIM AVOY, on behalf of herself and all others
similarly situated,

15 Plaintiff,
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17 v.

18 TURTLE MOUNTAIN, LLC

19 Defendant.
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Case No. CV13-0236-LHK

**STIPULATION AND
~~PROPOSED~~ ORDER
CONTINUING THE CASE
MANAGEMENT CONFERENCE**

CMC: July 24, 2013

Time: 2:00 p.m.

Judge: Hon. Lucy H. Koh

Action Filed: January 17, 2013

1 Pursuant to Civil Local Rule 6-1, Plaintiff Kim Avoy ("Plaintiff"), on behalf of herself
2 and all others similarly situated, and Defendant Turtle Mountain, LLC ("Defendant"), through
3 their undersigned counsel, hereby stipulate as follows:

4 WHEREAS, on January 17, 2013, Plaintiff filed a Class Action Complaint (the
5 "Complaint");

6 WHEREAS, on May 1, 2013, Defendant filed a Motion to Dismiss the Complaint, and
7 rather than respond to that motion, Plaintiff filed a First Amended Complaint ("FAC") on June
8 25, 2013;

9 WHEREAS, Defendant intends to file a Motion to Dismiss the FAC, which is due July
10 25, 2013;

11 WHEREAS, the initial Case Management Conference is currently scheduled for July 24,
12 2013; and

13 WHEREAS, the parties agree that in light of the soon to be filed Motion to Dismiss, the
14 Case Management Conference should be continued to the date of the hearing on the Motion to
15 Dismiss because, until then, it is premature to set dates for further proceedings. Scheduling the
16 Case Management Conference to coincide with the hearing on the Motion to Dismiss would
17 also best serve the interest of efficiency for the parties and the Court.

18 IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel,
19 subject to court approval, that pursuant to Local Rule 6-1(b), the Case Management Conference
20 shall be continued to the date of the hearing on the Motion to Dismiss.

1 Dated: July 3, 2013

WILLIAM L. STERN
CLAUDIA M. VETESI
LISA A. WONGCHENKO
MORRISON & FOERSTER LLP

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5 By: /s/ William L. Stern

WILLIAM L. STERN

6 Attorneys for Defendant
7 TURTLE MOUNTAIN, LLC

8 Dated: July 3, 2013

Ben F. Pierce Gore (SBN 128515)
PRATT & ASSOCIATES
1871 The Alameda, Suite 425
San Jose, California 95126

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11 By: /s/ Ben F. Pierce Gore

BEN F. PIERCE GORE

12 Attorneys for Plaintiff
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ECF ATTESTATION

I, William L. Stern, am the ECF User whose ID and password are being used to file the following: **STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING THE CASE MANAGEMENT CONFERENCE**. In compliance with General Order 45, X.B., I hereby attest that Ben F. Pierce Gore has concurred in this filing.

Dated: July 3, 2013

WILLIAM L. STERN
CLAUDIA M. VETESI
LISA A. WONGCHENKO
MORRISON & FOERSTER LLP

By: /s/ William L. Stern
WILLIAM L. STERN

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION OF THE PARTIES, IT IS SO ORDERED. The Case Management Conference scheduled for July 24, 2013 is CONTINUED to Wednesday, January 15, 2014, at 2:00 p.m. After Defendant has obtained a hearing date for Defendant's Motion to Dismiss, the parties shall file a stipulation to continue the Case Management Conference to the date of the Motion to Dismiss.

Date: July 17, 2013


Lucy H. Koh
United States District Judge